

WILLIAM RONNIE ADAMS, II,  
*Plaintiff,*  
 v.  
 THOMAS EDWARD BAILEY,  
 CORINNA S. BAILEY,  
 GEOFFREY V. PARKER, JR.,  
 AND CORINNA B. PARKER,  
 as trustees of the THOMAS  
 EDWARD BAILEY REVOCABLE  
 TRUST AND CORINNA S. BAILEY  
 REVOCABLE TRUST,  
*Defendants.*

This matter is before the Court on defendants' motion to dismiss [DE 16] plaintiff's initial complaint [DE 1]. Plaintiff has since filed both an amended complaint and a response in opposition to defendants' motion to dismiss. [DE 18, 19]. Defendants have not filed a responsive pleading to either plaintiff's initial or amended complaint. [DE 1, 18]. Defendants' motion to dismiss is now ripe for adjudication. [DE 16]. For the following reasons, defendants' motion to dismiss is denied as moot. [DE 16].


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superseded pleading are [generally] to be denied as moot.” *Hall v. Int’l Union, United Auto., Aerospace & Agric. Implement Workers of Am.*, No. 3:10-cv-418-RJC-DSC, 2011 WL 4014315, at \*1 (W.D.N.C. June 21, 2011) (citing *Colin v. Marconi Commerce Sys. Emps.’ Ret. Plan*, 335 F. Supp. 2d 590, 614 (M.D.N.C. 2004)). See, e.g., *Turner v. Kight*, 192 F. Supp. 2d 391, 397 (D. Md. 2002)) (denying as moot the defendants’ motions to dismiss plaintiff’s initial complaint because plaintiff’s amended complaint superseded the initial complaint).

In the instant matter, plaintiff filed his initial complaint on September 29, 2023. [DE 1]. On February 1, 2024, defendants filed their motion to dismiss plaintiff’s complaint pursuant to Rule 12(b) of the Federal Rules of Civil Procedure. [DE 16]. See *Domino Sugar Corp.*, 10 F.3d at 1068 n.1. Shortly thereafter, on February 14, 2024, plaintiff filed an amended complaint. [DE 18]. Because plaintiff properly filed his amended complaint within 21 days of defendants’ Rule 12(b) motion, plaintiff’s amended complaint supersedes the original complaint. [DE 1, 18]. See Fed. R. Civ. P. 15(a)(1)(B); *Young*, 238 F.3d at 573. Consequently, defendants’ motion to dismiss plaintiff’s initial complaint is now moot. See, e.g., *Turner*, 192 F. Supp. 2d at 397; *Hall*, 2011 WL 4014315, at \*1.

Therefore, the Court orders that defendants’ motion to dismiss [DE 16] plaintiff’s initial complaint be DENIED AS MOOT.

SO ORDERED, this 21 day of May, 2024.

  
TERRENCE W. BOYLE  
UNITED STATES DISTRICT JUDGE